

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAYNE PHARMA LLC,

Plaintiff,

v.

THERAPEUTICSMD, INC.,

Defendant.

C.A. No. 25-670-RGA

THERAPEUTICMD'S MOTION TO DISMISS

Defendant TherapeuticsMD, Inc. ("TXMD") respectfully moves the Court to dismiss this action pursuant to the first-to-file rule. TXMD also moves, pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Count IV of the complaint. The grounds for this motion are fully set forth in the opening brief in support of this motion, filed contemporaneously herewith.

Date: July 28, 2025

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